



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

APR 8 2016

**OFFICE OF
COMPLIANCE AND ENFORCEMENT**

Reply To: OCE-101

Certified Mail Return Receipt Requested

Captain Jeff Westling, USCG
United States Department of Homeland Security
Coast Guard Base Support Unit Kodiak
P.O. Box 195025
Kodiak, Alaska 99691-5025

Re: NOTICE OF VIOLATION
United States Department of Homeland Security
Coast Guard Base Support Unit Kodiak
EPA ID Number AK9 69033 0742

Dear Captain Westling:

This Notice of Violation (NOV) is to inform you of violations of the Resource Conservation and Recovery Act, as amended (RCRA). These violations were identified as a result of an inspection performed by the U.S. Environmental Protection Agency (EPA) from August 26 through August 27, 2014 and May 27 through May 29, 2015, at United States Department of Homeland Security Coast Guard Base Support Unit Kodiak (Kodiak) located at Anton Larson Bay Road and Rezanof Drive, Kodiak, Alaska. The inspection was performed pursuant to EPA inspection authority under Section 3007 of RCRA, 42 U.S.C. § 6927.

From the observations made during the 2014 inspection, the following RCRA violations were identified at the facility:

Violation 1 - Failure to document weekly inspections of the Hazardous Waste Storage Building

According to Part III.E.1. of the Hazardous Waste Management Facility Permit, the Permittee shall inspect, at least once every seven days, areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion, temperature, and/or other factors, as required in 40 C.F.R. § 264.174. According to Part III.E.2., the Permittee shall document the inspections by maintaining an inspection log.

At the time of the inspection, the inspector reviewed the weekly inspection logs from May 6, 2013 through August 26, 2014 for the Hazardous Waste Storage Building (HWSB) and found there were sixteen instances in which the time between weekly inspections exceeded seven days. Also, an inspection had not been conducted from September 29 to October 5, 2013.

Violation 2 – Failure to conduct weekly inspection of the less than 90 day accumulation area

The regulation at 40 C.F.R. § 262.34(a)(1)(i) allows generators to accumulate hazardous waste for 90 days or less without a permit or interim status provided that among, other things, the waste is placed in containers and the generator complies with the applicable requirements of 40 C.F.R. 265 subpart I. The regulation at 40 C.F.R. § 265.174 requires that at least weekly, the owner or operator inspects area where containers are stored, looking for leaking containers and for deterioration of containers caused by corrosion or other factors.

Based on a review of inspection logs, the EPA inspector observed that the facility had not conducted inspections of the 90-day hazardous waste accumulation area at the storage lockers at Building N-48 and at the Building 20-1 Hazmin Center from September 29 to October 5, 2013.

Violation 3 – Failure to list current emergency contacts in the facility contingency plan

Permit Condition II.J. states that the Permittee shall comply with the contingency planning requirements of 40 C.F.R. 264 §§ 50 – 56. The regulation at 40 C.F.R. § 264.52(d) requires that the plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, and this list must be kept up to date.

At the time of the inspection, the facility emergency coordinator list was not up to date as required by Permit Condition II.J. because it still listed emergency coordinators CDR Brown and DCC Patterson, both of whom were no longer working at Kodiak.

Violation 4 – Failure to submit copies of contingency plan to local police departments and hospitals.

Permit Condition II.J. states that the Permittee shall comply with the contingency planning requirements of 40 C.F.R. 264 §§ 50 – 56. The regulation at 40 C.F.R. § 264.53(b) requires that a copy of the contingency plan and all revisions to the plan must be submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

At the time of the inspection, the facility's distribution list for the contingency plan did not include police or hospitals. The plan listed the Kodiak City Fire Department, but not the local police department or local hospital.

Violation 5 – Failure of facility personnel to participate in an annual review of training

The regulation at 40 C.F.R. § 262.34(a) states that a LQG may accumulate hazardous waste on-site for 90 days without a permit or interim status if, among other things, the generator complies with the requirements in 40 C.F.R. § 265.16. Under 40 C.F.R. § 265.16(c), personnel working in a hazardous waste facility must take part in an annual review of initial training that teaches them to perform their duties in a way that ensures compliance with hazardous waste regulations.

At the time of inspection, the facility personnel managing the 90 hazardous waste storage area at the BOSS Supply Center Building 26 Janitorial Shop had expired hazardous waste management training. According to the onsite training records, the last time training was provided to facility personnel was April 2012.

From the observations made during the 2015 inspection, the following RCRA violations were identified at the facility:

Violation 1– Failure to close a hazardous waste container

The regulation at 40 C.F.R. § 262.34(a) states that a LQG may accumulate hazardous waste on-site for 90 days without a permit or interim status if, among other things, the generator complies with the requirements in 40 C.F.R. § 265.173. The regulation at 40 C.F.R. § 265.173(a) states that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

At the time of inspection at Hangar 3 H60 Helicopter Squadron on the Air Station side of the base, the EPA inspector observed a container labeled with the words “hazardous waste” that did not have a lid on it. The container contained solvent rags, used potting compound and paint debris.

At the time of the inspection, the EPA inspector saw a five gallon satellite accumulation container at WAA for the AIDs to Navigation Team Kodiak. The container had a “hazardous waste” label on it and the words “solvent rags.” The screw top lid had not been seated properly on the top of the container in a way that it could make a complete contact onto the container.

At the time of the inspection, while at Hangar 2 Jay Brant Demolition Project site, the EPA inspector saw four 55-gallon hazardous waste accumulation containers that contained lead contaminated debris from a contractor demolition project that were open and without lids.

All containers were closed by facility personnel at the time of inspection. Therefore, this violation has been corrected.

Violation 2– Failure to label a hazardous waste container with the words “Hazardous Waste”

The regulation at 40 C.F.R. § 262.34(a)(3) states that a LQG may accumulate hazardous waste on-site for 90 days without a permit or interim status provided that while being accumulated on-site, each container is labeled or marked clearly with the words, “Hazardous Waste.”

At the time of the inspection while at Hangar 2 Jay Brant Demolition Project site, the EPA inspector observed four 55-gallon hazardous waste accumulation containers that contained lead contaminated debris from a contractor demolition project that were not labeled or marked with the words “hazardous waste.”

These four containers were properly labeled with the words “hazardous waste” by facility personnel at the time of inspection. Therefore, this violation has been corrected.

Violation 3– Failure to label a hazardous waste container with accumulation start date

The regulation at 40 C.F.R. § 262.34(a)(2) states that a LQG may accumulate hazardous waste on-site for 90 days without a permit or interim status provided that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.

At the time of the inspection while at Hangar 2 Jay Brant Demolition Project site, the EPA inspector observed four 55-gallon hazardous waste accumulation containers that contained lead contaminated debris from a contractor demolition project that were not labeled with accumulation start dates.

These four containers were properly labeled with accumulation start dates at the time of inspection. Therefore, this violation has been corrected.

Violation 4 – Failure to conduct weekly inspections of accumulation containers

The regulation at 40 C.F.R. § 262.34(a)(1)(i) allows generators to accumulate hazardous waste for 90 days or less without a permit or interim status provided that among, other things, the waste is placed in containers and the generator complies with the applicable requirements of 40 C.F.R. 265 subpart I. The regulation at 40 C.F.R. § 265.174 requires that at least weekly, the owner or operator inspects the area where containers are stored, looking for leaking containers and for deterioration of containers caused by corrosion or other factors.

At the time of the inspection while at Hangar 2 Jay Brant Demolition Project site, the EPA inspector observed four 55-gallon hazardous waste accumulation containers that contained lead contaminated debris from a contractor demolition project that were not being inspected weekly.

Violation 5 – Failure to close satellite accumulation containers

The regulation at 40 C.F.R. § 262.34(c)(1) allows a generator to accumulate as much as 55 gallons of hazardous waste in container at or near any point of generation where wastes initially accumulates without a permit or interim status provided that he comply with, among other things, 40 C.F.R. § 265.173(a). The regulation at 40 C.F.R. § 265.173(a) requires that a container holding hazard waste must always be closed during storage except when it is necessary to add or remove waste.

At the time of the inspection, the EPA inspector observed two 20-gallon open hazardous waste satellite accumulations containers in MWR Auto Hobby Shop. Both containers had a lid on them but the lids were not making complete contact with the rim all around the top of the container, and were therefore not closed as required by 40 C.F.R. § 265.173(a).

Both containers were closed by facility personnel at the time of inspection. Therefore, this violation has been corrected.

Violation 6 – Failure to conduct monthly facility inspection

Permit Condition II.E. states that the Permittee shall comply with the general inspection requirements of 40 C.F.R. 264 §15. The regulation at 40 C.F.R. § 264.15(b) requires, among other things, that the owner and operator must inspect his facility for malfunctions, deterioration, and operation errors. The frequency of the inspection is developed by the facility. The facility developed a monthly inspection schedule in their permit.

At the time of the inspection, the EPA inspector noticed there were no documented monthly facility inspections for March and April 2015.

Violation 7 – Failure to label a container of used oil with the words “Used Oil”

The regulation at 40 C.F.R. § 279.22(c)(1) requires that containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.”

At the time of the inspection the inspector observed a 20-gallon container that was used to accumulate used oil in Building 19. The container was labeled as non-hazardous waste with the contents marked as Refrigeration Oil. At the time of the inspection, the container was not labeled with the words “Used Oil” as required by 40 C.F.R. § 279.22(c)(1).

Violation 8 – Failure to close universal waste lamp containers

The regulation at 40 C.F.R. § 273.13(d)(1) requires that a small quantity handler of universal waste contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed.

During the inspection, the EPA inspector observed three open containers of waste fluorescent lamps in HWSB that are being managed as universal waste. Failure to close containers of universal waste lamps is a violation of 40 C.F.R. § 273.14(e).

All three containers were closed by facility personnel at the time of inspection. Therefore, this violation has been corrected.

Violation 9 – Failure to list current emergency contacts in the facility contingency plan

Permit Condition II.J. states that the Permittee shall comply with the contingency planning requirements of 40 C.F.R. 264 §§ 50 – 56. The regulation at 40 C.F.R. § 264.52(d) requires that the plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, and this list must be kept up to date.

At the time of the inspection the facility emergency coordinator list was not up to date as required by Permit Condition II.J. because it still listed emergency coordinator Fritz Miller, who no longer works at Kodiak.

Violation 10 – Failure to make a hazardous waste determination

The regulation at 40 C.F.R. § 262.11 requires that a person who generates a solid waste, as defined in 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste.

At the time of inspection, the facility had failed to make a hazardous waste determination on used Ni-Cad batteries and used aerosol cans. At the T-1 Comm. Transmitter Building, the EPA inspector saw a used Ni-Cad battery on a pallet. At the Hangar 2 Jay-Brant Demolition Project the EPA inspector saw a Ni-Cad battery in the trash. At the Jay-Brant Housing Construction Project site, the EPA inspector saw two waste aerosol cans in a trash dumpster. According to the Jay-Brant Superintendent, three to five waste aerosol cans have been disposed of into the trash each month since the project started in June 2014. At the Tarmac Resurfacing/Milling Project, the EPA inspector saw two waste aerosol cans being stored in the back of the sub-contractor’s pick-up truck. The subcontractor stated that 30 waste aerosol cans had already been disposed of in the trash since the project started on May 6, 2015.

Required Action

The above violations may subject Kodiak to enforcement action under Section 3008 of RCRA, including the assessment of civil penalties. Within twenty (20) days of receipt of this NOV, the EPA requests that you submit a written response and/or photographs or other documentation that identifies actions you have taken or will take to correct violation number four.

Please send all material submitted in response to this NOV to Ms. Xiangyu Chu by email at chu.xiangyu@epa.gov or by mail to:

Ms. Xiangyu Chu
U.S. Environmental Protection Agency
Air-RCRA Compliance Unit, OCE-101
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Please also send a carbon copy of your response to Jon Jones by email at jones.jon@epa.gov or by mail to:

Mr. Jon Jones
U.S. Environmental Protection Agency
222 W. 7th Avenue #19
Anchorage, Alaska 99513-7588

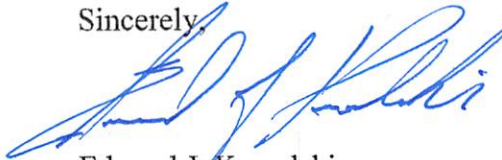
EPA Reservation of Rights

Notwithstanding this NOV or your response, EPA reserves the right to take any action pursuant to RCRA or any other applicable legal authority. Your response to this NOV does not constitute compliance with RCRA.

Nothing in this NOV or your response shall affect duties, obligations, or responsibilities with respect to USDHS CG Base Support Unit Kodiak under local, state, or federal law or regulation.

Thank you for your prompt attention to this important matter. If you have questions regarding this NOV, please contact Ms. Xiangyu Chu of my staff at 206-553-2859 or chu.xiangyu@epa.gov.

Sincerely,



Edward J. Kowalski
Director